Date of Hearing: June 8, 1999

ASSEMBLY COMMITTEE ON JUDICIARY
Sheila James Kuehl, Chair
SB 26 (Escutia) – As Amended: March 15, 1999

SUBJECT: AGE DISCRIMINATION IN EMPLOYMENT

KEY ISSUES:

1) SHOULD THE LEGISLATURE INVALIDATE THE CONTROVERSIAL DECISION IN MARKS v. LORAL CORP., WHICH BARRED CERTAIN VICTIMS OF AGE DISCRIMINATION FROM USING ONE OF THE TWO CENTRAL THEORIES OF DISCRIMINATION AVAILABLE TO OTHER VICTIMS OF DISCRIMINATION?

2) SHOULD THE FAIR EMPLOYMENT AND HOUSING COMMISSION'S 19-YEAR OLD REGULATION AFFORDING AGE DISCRIMINATION VICTIMS THE SAME LEGAL THEORIES AVAILABLE TO OTHER DISCRIMINATION VICTIMS BE CODIFIED?

3) SHOULD AN AGE DISCRIMINATION VICTIM IN CALIFORNIA, LIKE OTHER POTENTIAL VICTIMS OF DISCRIMINATION, BE PERMITTED TO PROVE THAT A "FACIALLY NEUTRAL" DECISION BASED ON SALARY HAD A DISCRIMINATORY IMPACT ON OLDER WORKERS AS A GROUP?

SUMMARY: Affirms California's strong public policy against age discrimination in employment, invalidates a recent controversial appellate case which barred use by certain age discrimination victims of one of two theories of proof normally available in such cases, and states legislative intent concerning this area of discrimination law. Specifically, this bill:

1) Invalidates the court of appeal decision in Marks v. Loral Corp., (1997), 57 Cal.App. 4th 30, which foreclosed the availability of the disparate impact theory to victims of age discrimination, at least those who base their claims on compensation policies.

2) States the Legislature's intent that both of the traditional theories for proving employment discrimination (the "disparate treatment" and "disparate impact" theories) be available to victims of age discrimination.

3) Clarifies that the traditional affirmative defenses currently available to employers under the Fair Employment and Housing Act (FEHA) are not limited in any way by this legislation.

4) Clarifies that age discrimination plaintiffs, like other potential victims of employment discrimination, are not barred from trying to prove that an employment decision based on salary had a discriminatory impact on older workers as a group.

5) Expresses the Legislature's support of statements in the state Supreme Court case of Stevenson v. Superior Court (1997), 16 Cal. 4th 880, underscoring that age discrimination deserves protections in California similar to those provided for race, sex, and other forms of discrimination.

EXISTING LAW:

1) Provides, under both the federal Age Discrimination in Employment Act (ADEA) (29 U.S.C.A. sections 621-634 (West 1985 & Supp.1987)) and FEHA (Government Code section 12941), that it is an unlawful employment practice for an employer to discriminate on the basis of age. (Hereafter all references are to the Government Code unless otherwise noted.)

2) States that "[T]he FEHA's policy against age discrimination in employment is ... similar ... to the policies against race and sex discrimination ..." Stevenson v. Superior Court (1997) 16 Cal. 4th 880 (hereafter "Stevenson").

3) Provides that California shall protect the employment rights of older workers, and that the "use by employers, employment agencies, and labor organizations of arbitrary and unreasonable rules which bar or terminate employment on the ground of age" is against the public policy of the state. (Unemployment Insurance Code section 2070 et seq.)

4) Provides that it is an unlawful employment practice for an employer "to refuse to hire or employ, or to discharge, dismiss, reduce, suspend, or demote, any individual over the age of 40 on the ground of age, except in cases where the law compels or provides for such action." (Section 12941(a).)

5) Traditionally allows victims of employment discrimination to avail themselves of two distinct theories in a discrimination case: the "disparate treatment" theory and the "disparate impact" theory. The disparate treatment theory of discrimination requires an age discrimination plaintiff to specifically prove that the employer intended to discriminate on the basis of age (Biggins v. Hazen Paper Co., 953 F.2d 1405 (1st Cir. 1992), rev'd on other grounds (1993) emphasis added). The "disparate impact" theory, on the other hand, does not require a showing that the employer intended to discriminate; instead, "[C]laims that stress 'disparate impact' involve employment practices that are facially neutral in their treatment of different groups but that in fact fall more harshly on one group than another." Int'l Brotherhood of Teamsters v. United States (1977) 431 U.S. 324, 335 n. 15.

6) Does not limit the right of employers to select or prefer "the better qualified person from among all applicants for a job," and requires that the burden of proving a violation is on the claimant. (Section 12941(b).)

7) Allows an employer to explicitly consider the age of an applicant where it is a "bona fide occupational qualification" ("BFOQ") (29 U.S.C.A. section 623(f)(1) and Section 12941(a)), and provides that an employer may defend an age discrimination claim on the grounds that its employment decision was based upon "an overriding legitimate business purpose" as defined in section 7286.7 of Title 2 of the California Code of Regulations.

8) Provides that California courts may look to, but need not follow, the federal decisions under Title VII of the Civil Rights Act of 1964 (42 U.S.C. section 2000e to 2000e-17) and the ADEA when analyzing state claims under FEHA. (See Levy v. Regents of Univ. of Calif. (1988) 199 Cal.App.3d 1334, 1343 (hereafter "Levy"), and Kubik v. Scripps College (1981) 118 Cal. App. 3d 544.)

9) Provides that the state's laws against age discrimination shall be enforced by the Fair Employment and Housing Commission. (Strauss v. Randall (A.L.) Co. (1983) 144 C.A.3d 514, 520.)

10) Provides that victims of age discrimination, at least those who base their claim on salary differentials, may not, unlike victims of race and sex discrimination, use the "disparate impact" (statistical) theory of discrimination to try to prove they were discriminated against by a price-based business decision or practice of their employer. Marks v. Loral Corp. (1997) 57 Cal. App. 4th 30 (hereafter "Marks.")

FISCAL EFFECT: Unknown

COMMENTS: The author's intent in introducing this bill is to clarify and underscore California's continuing commitment to provide the state's workers the same legal protections to fight age discrimination as are available to combat race, sex, and other forms of discrimination. Specifically, the author seeks to clarify that both of the traditional theories for proving employment discrimination, the "disparate treatment" (or intentional) theory and the "disparate impact" (statistical, or group) theory, are available in all age discrimination cases. This has been the view of the state's Fair Employment and Housing Commission ("Commission") for almost two decades. It has also been the view of the court of appeal in the Levy case discussed below. This bill therefore seeks to invalidate the controversial court of appeal decision in Marks v. Loral, which held that victims of age discrimination in California, at least those who base their claims on salary differentials, are not entitled to the same legal protections as those available to victims of race and other forms of discrimination.

Background

California's Historic Policy Against Age Discrimination and the Marks Decision: This state has had a public policy against age discrimination for more than 35 years. The state Supreme Court recently reconfirmed this policy in the Stevenson case, noting that "[T]he practice of age discrimination, like other invidious forms of discrimination, 'foments domestic strife and unrest' in the workplace ... making for a more stressful and ultimately less productive work environment ... ;" "[M]ost California residents either are now or will become over-40 employees, thus creating an extraordinarily broad class of potential victims of age discrimination in employment ... ;" and that "Age discrimination attacks the individual's sense of self-worth in much the same fashion as race or sex discrimination. Indeed, age discrimination (or 'ageism,' as it is sometimes called) has been defined as 'a systematic stereotyping of and discrimination against people because they are old, just as racism and sexism accomplish this with skin color and gender..."

Notwithstanding California's strong tradition against age discrimination in employment, the author states that the Fourth District Court of Appeal in Orange County held two years ago in the Marks decision that the Legislature never intended to provide victims of age discrimination, at least those who base their claims on compensation differentials, the same theories of proof afforded other victims of discrimination.

The court held that age discrimination plaintiffs who base their claim on an employer's salary-based policies, are barred from availing themselves of the disparate impact theory to prove their case. According to the author, under Marks victims of age discrimination have become "second class plaintiffs," unfairly restricted in their arsenal of legal theories to the sole theory that their employer intentionally discriminated against them. Other victims of employment discrimination, on the other hand, appropriately continue to have the chance to prove their employer's policies had the effect of discriminating against them, even if not the intent.

The Facts of Marks: In the Marks case, plaintiff Michael Marks was employed by Ford Aerospace in Michigan. His department was transferred to Newport Beach. Though Marks was reluctant to leave the Midwest where his children lived with his former wife, he made the move to Southern California to keep his job. Two years later, the Loral Corporation purchased Ford Aerospace. At that time, some of Marks' co-workers, all of whom were younger than Marks, were offered positions in Michigan, but Marks was not. The following year, Marks' new employer eliminated most of the positions in Marks' department at Newport Beach, including Marks' position. All but two of the employees in Mark's office landed jobs elsewhere in the company. Just Mr. Marks and one other employee in his office did not, and they both were within
California's protected class for age discrimination claims (anyone over the age of 40). Marks was 49 years old at the time of his layoff.

Believing his employer had discriminated against him on the basis of his age, Marks filed suit in Orange County Superior Court, alleging age discrimination in violation of FEHA and the federal ADEA. The judge instructed the jury as follows: "An employer is entitled to choose employees with lower salaries, even though this may result in choosing younger employees. If the choice is based on salary, there is not age discrimination." (57 Cal. App. 4th at 42, emphasis added.) Based upon this jury instruction, the jury found unanimously that the Loral Corp. had not discriminated against Marks because of his age.

The Marks Holding: Following his loss at trial, Marks appealed to the state court of appeal alleging the above-quoted jury instruction was an incorrect statement of California's law against discrimination. Marks argued that cost-cutting decisions can, under appropriate circumstances, be shown to discriminate against
older employees and therefore are not permissible under California law.

The fourth district court of appeal disagreed. The court held that under both the federal ADEA and state FEHA, employers may always "prefer workers with lower salaries to workers with higher ones, even if the preference falls disproportionately on older, generally higher paid workers." (57 Cal. App. 4th at 36.) Central to this bill, the court further held that the California Legislature had never specifically expressed legislative intent to permit age discrimination victims basing a claim on salary differentials to prove discrimination through the use of statistical evidence, i.e., through the disparate impact theory. (Id. at 60.) In addition, the court stated that "Nothing in the regulations promulgated by California's Fair Employment and Housing Commission conflicts with our conclusion." (Id.)

The Marks court recognized the severity of its decision when it commented that "we are not unmindful that the image of some newly-minted whippersnapper MBA who tries to increase corporate profits, and his or her own compensation, by across-the-board layoffs is not a pretty one." (Id. at 67.) The court

nevertheless stated that in its judgment, the state and federal governments never intended discrimination laws to burden the free-market system, stating that: "neither Congress nor the state Legislature ever intended the age discrimination laws to inhibit the very process by which a free market economy, decision-making on the basis of cost, is conducted and by which, ultimately, real jobs and wealth are created." Id. In fact, the court went so far as to hold that decisions based on salary are exempt from the discrimination protections of the federal and state age discrimination statutes. (Id. at 66.)

The Supreme Court's Controversial Refusal to Hear Marks: Following the court of appeal decision, Mr. Marks promptly appealed to the California Supreme Court. Although a majority of the Court's seven justices appeared to have concerns about the decision, the Court refused, in what Court watchers described as an anomalous and controversial vote, to hear the appeal. Only two justices (Justices Mosk and Kennard) formally voted to hear Marks' appeal, while three of the justices (Chief Justice George and Justices Baxter and Chin) voted to "de-publish" the case (just one vote short of the four votes needed for removal from the official case reports).

Fallout from Marks: As soon as the Marks decision was published, the case received national attention. One commentator complained: "Michael Marks' problem was not that he was an older worker. The 49-year-old accountant could not be fired just for that. His problem was that he had been a successful older worker. Through his years of experience, Marks had garnered a higher salary than his younger cohorts. [This decision] ... by approving discrimination based on wages, [may provide employers] a clear roadmap on how to rid the workforce of older, higher-paid employees." (M. Higgins, "Success Has Its Price: Courts OK Firing Older, Higher-Paid Workers to Save Money," ABA Journal, February 1998, pp. 34-35.)

The Statistics and Changing Demographics: In considering the backdrop of the Marks case, the bill's proponents note that in a recent five-year period, approximately 15,000 age discrimination claims were filed in California alone. They point out that according to the California Department of Fair Employment and Housing ("the Department"), age discrimination claims have been gradually rising due to the increasing percentage of older workers in the state's workforce. From 1992 through 1997, age discrimination claims have comprised approximately one fifth of the total discrimination claims filed with the Department. According to the Department, with a greater number of workers joining the ranks of workers over 40, these numbers will likely gradually continue to grow.

Proponents further state that according to some surveys, eight out of 10 Americans believe older workers face age discrimination in the workplace. (Citing S. Rep. No. 40(I), 103rd Cong., 1st Sess. 81 (1993) cited in 23 Pepp. L. Rev. 565.) Because the largest growing segment of the population in this country consists of people over the age of 40, they contend that this issue will be one of growing importance to Californians in the coming years.

The Creation of the Disparate Impact Doctrine: In evaluating the merits of codifying the Legislature's intent that the disparate impact "group" theory of discrimination be available to all age discrimination victims, a brief review of the doctrine's history may be helpful. The United States Supreme Court developed the disparate impact theory for proving discrimination over 25 years ago in the seminal case of Griggs v. Duke Power Co. (1971) 401 U.S. 424, 91 S.Ct. 849, 28 L.Ed.2d 158. Griggs involved Title VII rather than the federal age discrimination law. The case centered around a class action by African-

American employees against a utility company alleging that the company's hiring practices, which required a high school diploma, violated the Civil Rights Act by unfairly impacting the ability of African-Americans to be hired. In that case, the Supreme Court held, in an opinion by Chief Justice Warren Burger, that the plaintiffs were not required to prove that their employer purposely discriminated against them individually on the basis of their race (i.e., they were not limited to a disparate treatment discrimination theory). The Supreme Court held instead that the alleged victims of discrimination could also prove they were discriminated against if they could show that their employer's hiring criteria operated to render ineligible a markedly disproportionate number of African-American applicants. (401 U.S. at 429.)

Case Law Regarding Disparate Impact Availability in Federal Age Cases: Congress specifically grafted the Supreme Court's doctrine of disparate impact liability into the text of Title VII in the Civil Rights Act of 1991 (at 42 U.S.C. section 2000e-2(k)(1)(A)). Because Congress has not yet chosen to amend the federal ADEA with specific disparate impact language, there has been a split in the federal circuit courts as to the availability of this discrimination theory under federal law. In 1993, the U.S. Supreme Court took up a key age case, Hazen Paper Co. v. Biggins, 507 U.S. 604, but failed to address the availability of the disparate impact doctrine under federal law. (507 U.S. at 610.)

However, the Ninth Circuit has repeatedly read the federal age law to permit the use of this theory of discrimination for all age discrimination plaintiffs. See Equal Employment Opportunity Commission v. Local 350 (9th Cir. 1993) 998 F.2d 641, 648 (" ... in this circuit a plaintiff may challenge age discrimination under a disparate impact analysis.") (See also EEOC v. Borden's Inc. (9th Cir. 1984) 724 F.2d 1390, 1392: "Plaintiffs alleging age discrimination can proceed under "disparate treatment" or "disparate impact" theories.")

Case Law Regarding Disparate Impact Availability in State Age Cases: Up until the Marks decision in 1997, state courts that had specifically considered the availability of the disparate impact theory in age cases found the theory available in all age cases, just as it is in race and other discrimination cases. For example, in Levy v. Regents of the University of California (1988) 199 Cal.App.3d 1334, *cert. denied,* 488 U.S. 893, a physics professor who was denied positions at two UC campuses claimed he was discriminated against on the basis of his age under both FEHA and the ADEA. Although both the trial court and the court of appeal ruled that the professor had failed to state a sufficient factual showing of discrimination in that case, the court of appeal explicitly held that the disparate impact theory was indeed permitted under California's state age discrimination law. (199 Cal.App.3d at 1344: "To establish a prima facie case of employment discrimination through disparate impact [in California] ... a plaintiff need not prove intentional discrimination.")

Just three years prior to the Marks decision, another state court of appeal also interpreted California's age law to permit the use of the disparate impact theory of age discrimination. In Martin v. Lockheed Missiles & Space, Inc. (1994) 29 Cal.App.4th 1718, the state court found the theory available under FEHA, but ruled that Noreen Martin, a long-term employee who was laid off by Lockheed during a so-called "reduction in force" at age 65, had failed to adequately prove that Lockheed's "downsizing" program did not serve a
"legitimate business purpose." (29 Cal. App. 4th at 1733.) Although the court never specifically described Martin's claim as a disparate impact claim, its finding that Lockheed had shown a "business

necessity" for its employee reduction program demonstrated that it was using disparate impact analysis (since the "business necessity" defense only applies to disparate impact claims).

California's 19-Year Old Regulations in Support of Disparate Impact in Age Cases: As noted above, California's Fair Employment and Housing Commission ("Commission") has long been charged with implementing the provisions of the state's FEHA. See, e.g., Strauss v. Randall (A.L.) Co. (1983) 144 Cal.App. 3d 514. The Commission adopted regulations regarding age discrimination as early as 1980. These regulations, which have remained largely intact during the past two decades, interpret FEHA to allow an employer to avoid liability for discriminating against an older employee under two "affirmative defenses," the so-called "BFOQ," or bona fide occupational qualification, and the so-called "business necessity" defense.

Under the agency's regulations, an employer may lawfully discriminate on the basis of age under the BFOQ defense if "the employer or other covered entity [can] prove that the practice is justified because all or substantially all of the excluded individuals are unable to safely and efficiently perform the job in question and because the essence of the business operation would otherwise be undermined." For example, the movie role of a child may lawfully be reserved for a young actor under the BFOQ defense. (Section 7286.7 of Title 2 of the California Code of Regulations.)

Likewise, an employer may, under long-standing Commission regulations, avoid age discrimination liability using the so-called "business necessity" defense for "a facially neutral practice which has an adverse impact." This affirmative defense holds that an employer can lawfully discriminate on the basis of
age as long as the employer may prove that "there exists an overriding legitimate business purpose such that the practice is necessary to the safe and efficient operation of the business and that the challenged practice effectively fulfills the business purpose it is supposed to serve. The practice may still be impermissible where it is shown that there exists an alternative practice which would accomplish the business purpose equally well with a lesser discriminatory impact." Id.

As the author notes, this regulatory history is important to the merits of this legislation, since this affirmative defense has, in the agency's view, been available in all age discrimination cases for at least 18 years. Most importantly, the "business necessity" defense is only available in response to disparate impact, not disparate treatment, age claims (since employers may not intentionally discriminate on the basis of age or other protected characteristics). In other words, the author contends, the Marks court was inaccurate when it claimed that "Nothing in the regulations promulgated by California's Fair Employment and Housing Commission conflicts with our conclusion" that disparate impact theory is unavailable to victims of age discrimination in California. See Marks, 57 Cal.App.4th at 60.

Whether the Bill Dramatically Expands Age Discrimination Protections Pre-Marks: Opponents of this legislation contend that the measure goes "well beyond" the state of age discrimination protections that existed prior to the court's decision in Marks by making economically based decisions by employers illegal. It is true that there does not appear to be a state case prior to Marks definitively holding that the disparate impact theory of discrimination was available to victims of age discrimination. However, it is also true that those reported cases that considered age discrimination claims in the state prior to the Marks decision appeared to assume the availability of this important theory in age discrimination cases.

See, e.g., Levy v. Regents of the University of California, supra, and Martin v. Lockheed Missiles & Space, Inc., supra. In addition, as noted above, the state's Fair Employment and Housing Commission -- the state agency solely vested with the responsibility for interpreting the Fair Employment and Housing Act -- had consistently interpreted California's discrimination laws for almost twenty years prior to Marks as permitting use by age discrimination victims of this doctrine. Thus it appears misplaced to suggest that this bill dramatically expands the status of California's age discrimination law prior to the Marks decision. Rather the legislation appears to codify the status of the state's common law and administrative interpretations as it existed prior to the Marks decision.

ARGUMENTS IN SUPPORT: The main arguments of the proponents in support are summarized as follows:

There Is No Policy Distinction Between Age and Other Types of Discrimination: The bill's supporters state that its detractors have failed to provide a persuasive policy justification for the view that certain age discrimination victims deserve less protection than other California workers. They point to the Supreme Court's statement in the Stevenson case that " ... FEHA's general prohibition against age discrimination in employment is a particular expression of a broader policy against age discrimination that the Legislature has articulated through a wide variety of California code provisions. [There are] over 30 California code sections that prohibit age discrimination or implement a policy against age discrimination in specific areas such as education, health care, land use regulation, and state employment. These laws provide further evidence the Legislature regards the policy against age discrimination as important and that this policy is now firmly rooted in California law." (Stevenson, supra, 16 Cal.4 that 895-96.)

Age Discrimination Victims, Even Those Suffering from Salary-Based Employment Decisions, Need and Deserve Access to Disparate Impact Theory: According to the bill's proponents, victims of age discrimination, like other victims, often face an insurmountable proof burden if they are forced to proceed under the "disparate treatment" theory of proof. Disparate treatment theory requires victims to present "smoking gun" evidence proving that their employer intended to discriminate against them on the basis of their legally protected status. The Burger Supreme Court itself supported the need to provide discrimination victims more than the "intentional" theory of discrimination when it created the disparate impact theory in Griggs, noting that "Congress directed the thrust of [discrimination law] to the consequences of employment practices, not simply the motivation." Griggs, supra, 401 U.S. at 432.

Disparate Impact Not Easy to Prove: In support of the bill's statement of legislative intent that disparate impact theory should be available to all age discrimination victims, proponents argue that even when armed with this traditional proof tool, plaintiffs often fail to overcome the difficult burden of surviving summary judgment. They state that in even those reported federal and state cases where courts permitted the use of disparate impact theory, the courts typically found in favor of the employer, holding the plaintiff failed to prove that the "facially neutral" policy complained of constituted age discrimination unjustified by either business necessity or a bona fide occupational qualification.

In Levy, for example, the court noted that "[T]he requirements a disparate impact plaintiff must meet 'are in some respects more exacting than those of a disparate treatment case.'" Id. at 582. The disparate impact proof hurdle is similarly substantial in federal disparate impact age cases. See, e.g., Finnegan v. Trans

World Airlines (7th Cir. 1999) 967 F.2d 1661, where the court granted the employer summary judgment even though it permitted the employee claiming age discrimination the chance to use disparate impact evidence.

ARGUMENTS IN OPPOSITION: Two arguments are made by the opponents to the bill. The first is the contention noted above that this legislation actually expands the theories that were available prior to the Marks decision to include use of the disparate impact theory, which, they argue, was previously unavailable to victims of age discrimination under FEHA. For example, the California Employment Law Council writes that while "CELC totally supports the prohibitions against age discrimination contained in federal and state law, (t)he federal courts of appeal for the First, Third, Sixth, Seventh and Tenth Circuits have all held that the disparate impact theory of analysis is not available under (federal) age discrimination law. This measure would thus place California discrimination law dramatically at odds with federal law."

The second line of opposition flows from the first, which is the assertion that allowing age discrimination victims to use this allegedly "new" form of discrimination theory in age discrimination cases will place a financial burden upon California-based employers, due to increased litigation costs. The California Manufacture's Association writes on this point, for example, stating "SB 26 would virtually eliminate an employer's ability to manage its employment needs. Employers involved in mergers, reorganizations, downsizing, etc., always consider cost in their decision making. Under this bill, many staffing decisions would be unlawful." The California Civil Justice Association (formerly Association for California Tort Reform) also asserts that the bill "will increase the legal unpredictability in employment law and will lead to costly litigation."

Prior Related Legislation:

SB 1098 (Kopp, 1997) amended the state's age discrimination statute to expressly provide that it is an unlawful employment practice to discriminate against an employee over the age of 40 in compensation or other "terms, conditions or privileges" of employment absent a "business necessity," and invalidated the Marks case. The bill was vetoed by the Governor.

SB 2192 (Vasconcellos, 1998) was substantially similar to this bill. SB 2192 passed the Assembly by a vote of 42-26 and was returned to the Assembly, at the request of the author, for purposes of further amendment. The bill died on the Assembly floor due to the author's decision to withhold further amendments on the bill.

REGISTERED SUPPORT / OPPOSITION:

Support

California Labor Federation, AFL-CIO (co-sponsor)
American Association of Retired Persons (AARP) (co-sponsor)
California School Employees Association

California Teamsters Public Affairs Council
California Conference Board of the Amalgamated Transit Union
Engineers and Scientists of California
Region 8 States Council of the United Food and Commercial Workers
Hotel Employees, Restaurant Employees International Union
California Conference of Machinists
California Professional Firefighters
Older Women's League of California
Congress of California Seniors
Gray Panthers of Sacramento
California State Office of AARP
California Nurses Association
California Equal Rights Advocates
Consumer Attorneys of California
Federation of Business and Professional Women
California Chapter of International Association of
Personnel in Employment Security
Consumer Federation of California
American Federation of State County and Municipal Employees (AFSCME)
California Applicants' Attorneys Association
Western States Council of Sheet Metal Workers
California Association of Electrical Workers
State Pipe Trades Council
California State Employees Association (CSEA)
American Association of Retired People
California Federation of Teachers
California Seniors Coalition
ACLU

Opposition

California Employment Law Council
California Manufacturers Association
California Civil Justice Association (Formerly Association for California Tort Reform)
Printing Industries of California
California Chamber of Commerce

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